



# University of Hawaii at Manoa

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## HB 2669 RELATING TO PUBLIC HEALTH

Statement for  
House Committees on  
Health  
Planning, Energy and Environmental Protection  
Public Hearing - February 2, 1990

By  
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HB 2669 would require the preparation of an environmental assessment pursuant to Chapter 343-5(a)(9) by any person proposing to release a genetically modified organism in the state and would establish a fine of not more than \$10,000 per day for a violation of this requirement.

Our statement on this bill does not represent an institutional position of the University of Hawaii.

Under present statutes there appears to be no provision for discretionary review by the State of proposals, made by either government agencies or individualsto release genetically modified organisms. HRS 321-11.6 merely requires that "any applicant to any federal agency for any permit for or approval of any bioproduct, field testing of genetically modified organisms, or environmental impact assessment of genetically modified organisms shall submit one copy of that application to the department, at the same time that the application is submitted to the federal agency." It is our understanding that no State permit is required nor is there apparently any provision even for State review and discretionary recommendations to the federal government.

Certainly the potential risks associated with the introduction of various types of genetically modified organisms should be subject to the utmost scrutiny by State government officials prior to approval of their release either for research, testing, or on a commercial basis. As presently drafted, HB 2669 would provide a mechanism for such a review.

In the past, we have expressed concern for the addition of very specific types of actions to the list of actions requiring assessment under HRS 343-5(a) preferring to approach the environmental assessment process from a broader geographic perspective rather than by individual actions. There has been a concern that if individual activities began to be included under 343-5(a) that we would be faced with a multitude of specific actions.

I should also mention that in response to a request from last years legislature, we are currently negotiating a contract with the Office of Environmental Quality Control to review HRS 343, in its entirety, to evaluate its efficacy for environmental management.

However, in the case of the specific changes to HRS 343-5(a) that would be provided by HB 2669, we find that the present need for statutory language to require review of proposed releases of genetically modified organisms to be so critical that immediate action is warranted. Requirement for Environmental Assessment under HRS 343-5(a) as is proposed by HB 2669 will provide a level of review until such time that more definitive legislation can be implemented.

We would like to offer the following language changes for your consideration:

Page 1, lines 10-12: Any proposal [person proposing] to release a genetically modified, at the molecular or single cell level, organism in the State shall [prepare] require the preparation of an Environmental Assessment pursuant to section 343-5(a)(9).

Page 4, lines 1 and 2: Propose to release any genetically modified, at the molecular or single cell level, organisms into the State.

The effect of these changes would be to assure that both agencies as well as individuals would have to prepare an Environmental Assessment and that all related new technologies will be included.